

MELINDA HAAG (CABN 132612)
United States Attorney

ALEX G. TSE (CABN 152348)
Chief, Civil Division

REBECCA A. FALK (CSBN 226798)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7022
FAX: (415) 436-6748
rebecca.falk@usdoj.gov

Attorneys for Respondents

KEVIN M. CRABTREE (CSBN 238162)
Law Office of Robert L. Lewis
428 - 13th Street, 7th Floor
Oakland, CA 94612
T: (510) 834-1288
F: (510) 834-0431
www.immigrantdefense.com

Attorney for Petitioner

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOSELITO CASIMIRO,

Plaintiff,

v.

ERIC H. HOLDER, JR. ATTORNEY
GENERAL, JANET NAPOLITANO,
SECRETARY, DHS, JOHN MORTON,
ASSISTANT SECRETARY USICE;
TIMOTHY AIKEN, FIELD OFFICE
DIRECTOR, USICE,

Defendant.

) CASE NO. 13-01936 RS

)
) STIPULATION AND ~~PROPOSED~~ ORDER
) REGARDING BRIEFING SCHEDULE AND
) HEARING DATE

)
) [PURSUANT TO CIVIL LOCAL RULE 7-12]

1 Petitioner Joselito Casimiro (“Petitioner”) and respondents Eric Holder, Jr., Janet Napolitano,
2 John Morton and Timothy Aiken (“Respondents”), by and through their respective counsel, hereby
3 stipulate as follows:

4 1. On April 29, 2013, Petitioner filed a Petition For A Writ of Habeas Corpus claiming that
5 his counsel failed to file a Ninth Circuit petition for review, including a Request for Temporary
6 Restraining Order and Motion for Stay of Removal (Dkt. No. 1);

7 2. On the same day, this Court entered a temporary restraining order staying Petitioner’s
8 deportation (Dkt. No. 2);

9 3. On May 1, 2013, pursuant to this Court’s Order, Respondents file a Return stating their
10 position that this Court lacks jurisdiction over this matter (Dkt. No. 3);

11 4. On May 1, 2013, Petitioner filed an Amended Petition For A Writ of Habeas Corpus
12 (Dkt. No. 5, 6);

13 5. On May 2, 2013 Petitioner filed a Motion to Stay Removal (Dkt. No. 7);

14 6. On May 2, 2013, the parties appeared for a hearing before this Court, at which time this
15 Court requested briefing on Petitioner’s Amended Petition For A Writ of Habeas Corpus and Motion to
16 Stay Removal, and that the parties agree on a hearing date;

17 7. The parties have agreed that Respondents will file their Return to Petitioner’s Amended
18 Petition For A Writ of Habeas Corpus and Motion to Stay Removal (Dkt. No. 5, 6, 7) on May 29, 2013
19 and Petitioner will file his Traverse on June 12, 2013;

20 8. The parties have further agreed that this matter should be set for hearing with this Court
21 on June 19, 2013 at 2 p.m.; and

22 9. Respondents agree that they will not remove Petitioner to the Philippines until after the
23 hearing set for June 19, 2013.

1 **THEREFORE, IT IS HEREBY STIPULATED** by and between Petitioner and Respondents
2 that Respondents will file their Return to Petitioner's Amended Petition For A Writ of Habeas Corpus
3 and Motion to Stay Removal (Dkt. No. 5, 6, 7) on May 29, 2013 and Petitioner will file his Traverse on
4 June 12, 2013 that this matter should be set for hearing with this Court on June 19, 2013 at 2 p.m.; and
5 that Respondents will not remove Petitioner to the Philippines until after the hearing set for June 19,
6 2013.

8 Dated: May 3, 2013

Respectfully Submitted,

10 /s/ Kevin M. Crabtree
11 KEVIN M. CRABTREE
12 Attorney for Petitioner

13 Dated: May 3, 2013


Respectfully Submitted,

14 MELINDA HAAG
15 United States Attorney

16 /s/Rebecca A. Falk
17 REBECCA FALK¹
18 Assistant United States Attorney
19 Attorney for Respondents

20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

21
22
23 DATED: 5/6/13

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28 HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

¹ I, Rebecca A. Falk, hereby attest, in accordance with the Civil L.R. 5(i)(3), the concurrence in the filing of this document has been obtained from the other signatory listed here.